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Attorneys for Appellant
THE CITY OF SANTA CLARA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(San Francisco Division)

In re)	Case No. C 09-05666 JSW
)	
PACIFIC GAS and ELECTRIC COMPANY,)	
a California corporation)	STIPULATION AND JOINT REQUEST
)	TO EXCEED APPELLATE BRIEFING
Debtor.)	PAGE LIMITS; ORDER THEREON
)	
Tax I.D. No. 94-0742640)	
)	
)	The Honorable Jeffrey S. White
)	
)	

This stipulation pertains to the appeal of a Bankruptcy Court order pending in this Court. Appellant, the City of Santa Clara, dba Silicon Valley Power and Appellee, Pacific Gas and Electric Company, by and through their respective counsel, stipulate that good cause exists for the Court to order that the page limits set by N.D. Bankr. Rule 8010-1(4) be modified and that the length of the parties' appellate briefs be governed by Fed. Rules Bankr. Proc. 8010(c) allowing for principal briefs to be filed in a length not to exceed 50 pages and a reply brief not to exceed 25 pages, exclusive of tables and addenda.

This stipulation and joint request is made under N.D. Bankr. Rule 8010-1(a).

Good cause to apply the page limitations of Rule 8010(c) of the Federal Rules of Bankruptcy Procedure exists, because the appeal challenges the factual findings made by the Bankruptcy Court after a three-day trial, involving testimony by nine witnesses. The issue decided below also implicates a series of unusual contractual relationships in the context of sales of wholesale electrical energy. Those circumstances require a greater-than-usual explanation of the factual background and evidence, further justifying a greater page limitation for briefs.

On the basis of the foregoing, the parties respectfully request that the Court order that the page limitations of Rule 8010(c) of the Federal Rules of Bankruptcy Procedure shall apply to this appeal.

DATED: December __, 2009

PACIFIC GAS and ELECTRIC COMPANY

By: _____

Charles R. Middlekauff
PACIFIC GAS AND ELECTRIC COMPANY

DATED: December 11, 2009

McPHARLIN SPRINKLES & THOMAS LLP

By: /s/ Paul S. Avilla

PAUL S. AVILLA
Attorneys for THE CITY OF SANTA CLARA,
DBA SILICON VALLEY POWER

ORDER

Pursuant to stipulation of the parties and good cause having been shown,
IT IS HEREBY ORDERED:

The page limits of Rule 8010(c) of the Federal Rules of Bankruptcy Procedure shall apply to this appeal.

DATED: _____

Hon. Jeffrey S. White

1 Good cause to apply the page limitations of Rule 8010(c) of the Federal Rules of
 2 Bankruptcy Procedure exists, because the appeal challenges the factual findings made by the
 3 Bankruptcy Court after a three-day trial, involving testimony by nine witnesses. The issue
 4 decided below also implicates a series of unusual contractual relationships in the context of sales
 5 of wholesale electrical energy. Those circumstances require a greater-than-usual explanation of
 6 the factual background and evidence, further justifying a greater page limitation for briefs.

7 On the basis of the foregoing, the parties respectfully request that the Court order that the
 8 page limitations of Rule 8010(c) of the Federal Rules of Bankruptcy Procedure shall apply to this
 9 appeal.

10
 11 DATED: December 11, 2009

PACIFIC GAS and ELECTRIC COMPANY

12
 13 By: 

Charles R. Middlekauff

PACIFIC GAS AND ELECTRIC COMPANY

14
 15 DATED: December __, 2009

McPHARLIN SPRINKLES & THOMAS LLP

16
 17 By: /s/ Paul S. Avilla

PAUL S. AVILLA

18 Attorneys for THE CITY OF SANTA CLARA,
 19 DBA SILICON VALLEY POWER

20 ORDER

21 Pursuant to stipulation of the parties and good cause having been shown,
 22 IT IS HEREBY ORDERED:

23 The page limits of Rule 8010(c) of the Federal Rules of Bankruptcy Procedure shall
 24 apply to this appeal.

25
 26 DATED: December 15, 2009

27 
 28 Hon. Jeffrey S. White